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The President's Veto Message.

To the Senate of the United States.

I have examined with care the bill which originated in the Senate, and has been passed by both houses of Congress, to amend an act entitled "An act to establish a Bureau for the relief of Freedmen, Refugees, and for other purposes." Having with much regret come to the conclusion that it would not be consistent with the public welfare to give my approval to the measure, I return the bill to the Senate with my objections to its becoming a law.

I might call to mind in advance of these objections that there is no immediate necessity for the proposed measure. The act to establish a Bureau for the relief of Freedmen and refugees, which was approved in the month of March last has not yet expired. It was thought stringent and extensive enough for the purpose in view before it. Before it ceases to have effect further experience may assist to guide us to a wise conclusion as to the policy to be adopted in time of peace. I have, with Congress the strongest desire to secure to the freedmen the full enjoyment of their entire independence and equality in making contracts for their labor. But the bill before me contains provisions which in my opinion are not warranted by the Constitution and are not well suited to accomplish the end in view.

The bill proposes to establish by authority of Congress military jurisdiction over all parts of the United States containing refugees and freedmen. It would, by its very nature, apply with most force to those parts of the United States in which the freedmen most abound and it expressly extends the existing temporary jurisdiction of the Freedmen's Bureau with greatly enlarged powers over those States in which the ordinary course of judicial proceedings has been interrupted by the Rebellion. The source from which this military jurisdiction is to emanate, is none other than the President of the United States; acting through War Department, and the Commissioners of the Freedmen's Bureau. The agents to carry out this military jurisdiction are to be selected either from the army or from civil life. The country is to be divided into districts and sub-districts, and the number of salaried agents to be employed may be equal to the number of counties or parishes in all the United States where freedmen and refugees are to be found.

The subjects over which this military jurisdiction is to extend is every part of the United States, including protection to all employees, agents and officers of this Bureau, in the exercise of the duties imposed upon them by the bill in eleven States. It is further to extend over all cases affecting freedmen and refugees, discriminated against by local law, custom and prejudice in those eleven States. The bill subjects any white person who may be charged with depriving a freedman with any civil rights or immunities belonging to white persons to imprisonment or fine, or both, without, however, defining the civil rights and immunities which are thus to be secured to freedmen by military law. This military jurisdiction also extends to all questions that may arise respecting contracts. The agent who is to exercise the office of a military Judge, may be a stranger, entirely ignorant of the laws of the place, and exposed to the errors of judgement to which all men are liable. The exercise of power over which there is no legal supervision, by so vast a number of agents as is contemplated by the bill, must by the very nature of man be attended by acts of caprice, injustice and passion. The trials having their origin under this bill are to take place without intervention of a jury, and without any fixed rules of law or evidence. The rules on which offences are to be heard and determined by the numerous agents are such rules and regulations as the President, through the War Department, shall prescribe. No previous presentment is required, nor any indictment charging the commission of a crime against the laws, but the trial must proceed on charges and specifications. The punishment will not be as the law declares, but such as a court martial may think proper, and from these arbitrary tribunals there lies no appeal, no writ of error to any of the courts in which the Constitution of the United States vests exclusively. The judicial power of the country, while the territory and the class of actions and offenses that are made subject to this measure are so extensive, that the bill itself, should it become a law, will have no limitation in point of time, but will form a part of the permanent legislation of the country. I cannot reconcile a system of military jurisdiction of this kind with the words of the Constitution, which declares that "no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger," and that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State or District wherein the crime shall have been committed."

The safeguards which the wisdom and experience of ages had taught our fathers to establish, their securities for the protection of the innocent, the punishment of the guilty, and the equal administration of justice, are to be set aside, and for the sake of a more vigorous interposition in behalf of justice, we are to take the risk of the many acts of injustice that would necessarily follow from an almost countless number of agents, established in every parish or county in nearly a third of the States of the Union, over whose decision there is to be no supervision and control by the Federal Courts. The power that would be thus placed in the hands of the President is such, as in time of Peace, certainly ought never to be entrusted to any one man. If it be asked whether the creation of such a tribunal within a State is warranted as a measure of war, the question immediately presents itself, whether we are still engaged in war? Let us not unnecessarily disturb the commerce and credit and industry of the country by declaring to the American people and the world that the United States are still in a condition of civil war. At present there is no part of our country in which the authority of the United States is disputed. Offences that may be committed by individuals should not make a forfeiture of rights of the same community.

The country has entered or is returning to a state of peace and industry, and rebellion is in fact at an end. The measure, therefore, seems to be as inconsistent with the actual condition of the country as it is at variance with the Constitution of the United States. If passing from general considerations, we examine the bill in detail, it is open to weighty objections. In time of war it was eminently proper that we should temporarily provide for those who were passing suddenly from a condition of bondage to a state of freedom; but this bill proposes to make the Freedmen's Bureau, established by the act of 1865, as one of many great and extraordinary military measures to suppress a formidable rebellion a permanent branch of the public administration, with its power greatly enlarged. I have no reason to suppose, and I do not understand it to be alleged, that the act of March, 1865, has proved deficient for the purpose for which it was passed, although at that time, and for a considerable period thereafter, the Government of the United States remained unacknowledged in most of the States whose inhabitants had been involved in the rebellion. The institution of slavery for the military destruction of which the Freedmen's Bureau was called into existence, as an auxiliary, has been already effectually and finally abrogated throughout the whole country by an amendment of the Constitution of the United States, and practically its eradication has received the assent and concurrence of most of those States which, at any time, had existed. I am not, therefore, able to discern in the country any thing to justify an apprehension that the Freedmen's Bureau, which were effective for the protection of freedmen and refugees during the actual continuance of hostilities, and of African servitude, will now, in time of peace, and after the abolition of slavery, prove inadequate to the same proper ends. If I am correct in these views, there can be no necessity for the enlargement of the powers of the Bureau, for which provision is made in the bill. The 3d section of the bill authorized a general unlimited amount of support to the destitute and suffering refugees and freedmen, and their wives and children. The succeeding sections make provision for the rent or purchase of landed estates for freedmen, and for the erection for their benefit, of suitable buildings for asylums and schools, the expenses to be defrayed from the Treasury of the whole people. The Congress of the United States has never heretofore thought itself competent to establish any laws beyond the limits of the District of Columbia, except for the benefit of our disabled soldiers and sailors. It has never founded schools for any class of our own people, not even for the orphans of those who have fallen in the defence of the Union, but has left the care of their education to the much more competent control of the States, of communities, of private associations and of individuals.

It has never deemed itself authorized to expend public money for rent or purchase of homes for the thousands, not to say millions of the white race who are honestly toiling from day to day for their subsistence.

A system for the support of indigent persons in the United States was never contemplated by the authorities of the Constitution. Nor can any good reason be advanced why as a permanent establishment it should be founded for one class or color of one people more than for another. Pending the war, many refugees and freedmen received support from the Government, but it was never intended that they should henceforth be fed, clothed, educated and sheltered by the United States. The idea on which the slaves were assisted to freedom, was that on becoming free, they would be a self-sustaining population.

Any legislation that shall imply they are not expected to attain a self-sustaining condition, must have a tendency injurious alike to their character and their prosperity.

The appointment of an agent for every county and parish will create an immense

patronage, and the expense of the numerous officers and their clerks, to be appointed by the President, will be great in the beginning, with a tendency steadily to increase. The appropriations asked by the Freedmen's Bureau, as now established for the year 1866, amount to \$11,745,000. It may be safely estimated the cost to be incurred under the pending bill will require double that amount—more than the entire sum expended in any one year under the administration of the second Adams.

If the presence of agents in every parish and county is to be considered as a war measure, opposition, or even resistance, might be provoked, so that to give effect to their jurisdiction, troops would have to be stationed within reach of every one of them, and thus a large standing force to be rendered necessary. Large appropriations would therefore be required to sustain and enforce military jurisdiction in every county and parish from the Potomac to the Rio Grande.

The condition of our fiscal affairs is encouraging, but in order to sustain the present measure of public confidence, it is necessary that we practice not merely customary economy, but, as far as possible, severe retrenchment.

In addition to the objections already stated, the fifth section of the bill proposes to take away land from its former owners without any legal proceedings being first had, contrary to that provision of the Constitution which declares that "No person shall be deprived of life, liberty or property without due process of law."

It does not appear that lands to which this section refers may not be owned by minors or persons of unsound mind, or by those who have been faithful to all their obligations as citizens of the United States. If any portion of the land is held by such persons, it is not competent for any authority to deprive them of it. If, on the other hand, it be found that the property is liable to confiscation, even then it cannot be appropriated to public purposes until by due process of law, it shall have been declared forfeited to the Government.

There are still further objections to the bill, on ground seriously affecting the class of persons to whom it is designed to bring relief. It will tend to keep the mind of the freedmen in a state of uncertainty and restlessness, while to those among whom he lives it will be a source of constant and vague apprehension. Undoubtedly the freedman should be protected; but he should be protected by the civil authorities—especially by the exercise of all the constitutional powers of the courts of the United States and of the States. His condition is not so exposed as may at first be imagined. He is in a portion of country where his labor cannot well be spared. Competition for his services from planters, from those who are constructing or repairing railroads, or from capitalists in his vicinity, or from other States, will enable him to command almost his own terms. He also possesses a perfect right to change his place of abode, and if, therefore, he does not find in one community or State a mode of life suited to his desires, or proper remuneration for his labor, he can move to another, where labor is more esteemed and better rewarded.

In truth, however, each State, induced by its own wants and interests, will do what is necessary and proper to retain within its borders all the labor that is needed for the development of its own resources. The laws that regulate supply and demand will maintain their force, and the wages of the laborer will be regulated thereby. There is no danger that the great demand for labor will not operate in favor of the laborer; neither is sufficient consideration given to the ability of the freedmen to protect and take care of themselves. It is no more than justice to them to believe that, as they have received their freedom with moderation and forbearance, so they will distinguish themselves by their industry; and they feel and will soon show to the world that in a condition of freedom they are self-sustaining, and capable of selecting their own employment and their own places of abode—of insuring for themselves on a proper remuneration, and of establishing and maintaining their own asylums and schools. It is earnestly hoped that, instead of wasting away, they will by their own efforts establish for themselves a condition of respectability and prosperity. It is certain they can attain to that condition only through their own merits and exertions.

In this connection the query presents itself whether the system proposed by the bill will not, when put into complete operation, practically transfer the entire care, support and control of four millions of emancipated slaves to agents, overseers or taskmasters, who, appointed at Washington, are to be located in every county and parish throughout the United States containing freedmen and refugees. Such a system would inevitably tend to such a concentration of power in the Executive which would enable him, if so disposed, to control the action of a numerous class and use them for the attainment of his own political ends.

I cannot but add another grave objection to this bill. The Constitution imperatively declares, in connection with taxation, that each State shall have at least one Representative, and fixes the

rule for the number to which in future times each State shall be entitled. It also provides that the Senate of the United States shall be composed of two Senators from each State, and adds with peculiar force that no State without its consent shall be deprived of its suffrage in the Senate. The original act was necessarily passed in the absence of the States chiefly to be affected, because their people were then contumaciously engaged in the rebellion.

Now, the case is changed, and some at least of the States are attending Congress by loyal Representatives, soliciting the allowance of the constitutional right of representation. At the time the bill, there was no Senator of Representative in Congress from the eleven States which are to be mainly affected by its provision. The very fact that reports were and are made against the good disposition of the country, is an additional reason why they need and should have Representatives of their own in Congress to explain their condition, especially to answer accusations, and assist by their local knowledge in the perfection of measures immediately affecting themselves. While the liberty of deliberation would then be free, and Congress would have full power to decide according to its judgment, there could be no objection urged that the States most interested had not been permitted to be heard. The principle is firmly fixed in the minds of the American people that there should be no taxation without representation.—Great burdens are now to be borne by all the country, and we may best demand that they shall be borne without murmur when they are voted by a majority of the representatives of the people. I would not interfere with the unquestionable right of Congress to judge, each House for itself, of the election returns and qualifications of its members; but the authority can not be construed as including the right to put out, in time of peace, any State from the representation to which it is entitled by the Constitution. At present all the people of eleven States are excluded—those who were faithful during the war, not less than others.—The State of Tennessee, for instance, whose authorities were engaged in the rebellion, was restored to her Constitutional relations to the Union by the patriotism and energy of her injured and betrayed people, before the war was brought to a termination. They had placed themselves in relation to the General Government, and established a State Government; and as they were not included in the Emancipation proclamation, they by their own act, have amended their Constitution so as to abolish slavery within the limits of their State. I know no reason why the State of Tennessee, for example should not fully enjoy her constitutional relations with the United States.

The President of the United States stands towards the country in a somewhat different attitude from that of any member of Congress, chosen from a single district or State. The President is chosen by the people of all the States. Eleven States are not at this time represented in either branch of Congress. It would seem to be his duty on all proper occasions to present their just claims to Congress. There always will be differences of opinion in the community and individuals may be guilty of transgressions of the law; but these do not constitute valid objections against the right of a State to representation. It would in no wise interfere with the discretion of Congress with regard to the qualification of members. But I hold it my duty to recommend to you, in the interests of peace and the interests of the Union, the admission of every State to its share of public legislation, when, however insubordinate, insurgent or rebellious its people may have been, it presents itself not only in an attitude of loyalty and harmony, but in the persons of Representatives, whose loyalty cannot be questioned under the existing constitutional or legal tests. It is plain that an indefinite or permanent exclusion of any part of the country from representation, must be attended by a spirit of disquiet and complaint.

It is unwise and dangerous to pursue a course of measures which will unite any large section of the country against another section of country, no matter how much the latter may predominate. The course of immigration, development of industry and business and national causes, will raise up at the South men as devoted to the Union as those of any other part of the land. But if they are all excluded from Congress—if in a permanent statute, they are declared not to be in full constitutional relations to the country—they may think they have cause to become a unit in feeling and sentiment against the Government. Under the political education of the American people, the idea is inherent and ineradicable that the consent of the majority of the whole people is necessary to secure a willing acquiescence in legislation. The bill under consideration refers to certain of the States as though they had not been fully restored to the United States. If they have not, let us at once act together to secure that desirable end at the earliest possible moment.

It is hardly necessary for me to inform our judgment, most of these States, so

far, at least as depends upon their own action have already been fully restored, and are to be deemed entitled to enjoy their Constitutional rights as members of the Union. Reasoning from the Constitution itself, and from the actual state of the country, I feel not only entitled but bound, to assume that, with the Federal courts restored in the several States, and in the full exercise of their functions the rights and interests of all classes of the people will, by the aid of the military, in cases of resistance to the law, be essentially protected against unconstitutional infringement and violation.

Should this expectation unhappily fail which I do not anticipate, then the Executive is already armed with the powers conferred by the act of March, 1865, establishing the Freedmen's Bureau and hereafter as heretofore, he can employ the land and naval forces of the country to suppress insurrection and to overcome obstructions to the laws.

I return the bill to the Senate, in the earnest hope that a measure involving questions and interests so important to the country, will not become a law, unless, upon deliberate consideration by the people, it shall receive the sanction of an enlightened public judgement.

ANDREW JOHNSON.
Washington, D. C. Feb. 19, 1866.

The Freedmen's Bureau Bill.

An Act to amend an act entitled "An Act to establish a Bureau for the relief of Freedmen and Refugees," and for other purposes.

Be it enacted, &c., That the act to establish a Bureau for the relief of Freedmen and Refugees, approved March 3, 1865, shall continue in force until otherwise provided by law, and shall extend to refugees and freedmen in all parts of the United States, and the President may divide the section of country within which the privilege of the writ of habeas corpus was suspended on the first day of February, 1865, containing such refugees and freedmen, into districts, each containing one or more States, not to exceed twelve in number, and, by and with the advice and consent of the Senate, appoint an Assistant Commissioner for each of said districts, who shall give like bonds, receive the compensation and perform the duties prescribed by the act to which this is an amendment; or said Bureau may, in the discretion of the President, be placed under a Commissioner and Assistant Commissioners, to be detailed from the army, in which event each officer so assigned to duty shall serve without increased pay or allowances.

Sec. 2. And be it further enacted, That the Commissioner, with the approval of the President, and when the same shall be necessary for the operations of the Bureau, may divide each district into a number of sub-districts, not to exceed the number of counties or parishes in such district, and shall assign to each sub-district at least one agent, either a citizen, officer of the army or enlisted man, who, if an officer, shall serve without additional compensation or allowance; and if a citizen or enlisted man, shall receive a salary of not less than five hundred dollars annually, according to the services rendered, in full compensation for such services; and such agent shall, before entering on the duties of his office, take the oath prescribed in the first section of the act to which this is an amendment. And the Commissioner may, when the same shall be necessary, assign to each Assistant Commissioner not exceeding three clerks, and to each of said agents one clerk, at an annual salary not exceeding one thousand dollars each, provided suitable clerks cannot be detailed from the army. And the President of the United States, through the War Department and the Commissioner, shall extend military jurisdiction and protection over all employees, agents, and officers of this Bureau in the exercise of the duties imposed or authorized by this act or the act to which this is additional.

Sec. 3. And be it further enacted, That the Secretary of War may direct such issues of provisions, clothing, fuel, and other supplies, including medical stores and transportation, and afford such aid, medical or otherwise, as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen, their wives and children, under such rules and regulations as he may direct: provided, That no person shall be deemed "destitute," "suffering," or "dependent upon the Government for support," within the meaning of this act, who, being able to find employment, could by proper industry and exertion avoid such destitution, suffering or dependence.

Sec. 4. And be it further enacted, That the President is hereby authorized to reserve from sale or settlement, under the homestead or pre-emption laws, and to set apart for the use of freedmen and loyal refugees, male or female, unoccupied lands in Florida, Mississippi, Alabama, Louisiana and Arkansas, not exceeding in all three millions of acres of good land; and the Commissioner, under the direction of the President, shall cause the same, from time to time, to be allotted and assigned, in parcels not exceeding forty acres each, to the loyal refugees and freedmen, who shall be protected in

the use and enjoyment thereof for such term of time and at such annual rent as may be agreed on between the Commissioner and such refugees or freedmen.—The rental shall be based upon a valuation of the land, to be ascertained in such manner as the Commissioner may, under the direction of the President, by regulation prescribe. At the end of such term or sooner, if the Commissioner shall want thereof, the occupants of any parcels so assigned, their heirs and assigns, may purchase the land and receive a title thereto from the United States in fee, upon paying therefor the value of the land ascertained as aforesaid.

Sec. 5. And be it further enacted, That the occupants of land under Major General Sherman's special field order, dated at Savannah, January sixteen, eighteen hundred and sixty-five, are hereby confirmed in their possession for the period of three years from the date of said order and no person shall be disturbed in or ousted from said possession during said three years, unless a settlement shall be made with said occupant, by the former owner, satisfactory to the Commissioner of the Freedmen's Bureau: Provided, That whenever the owners of land occupied under General Sherman's field order shall make application for restoration of said lands, the Commissioner is hereby authorized, upon the agreement and with the written consent of said occupants, to procure other lands for them by rent or purchase, not exceeding forty acres for each occupant, or to set apart for them, out of the public lands assigned for that purpose in section four of this bill, forty acres each, upon the terms and conditions named in said section.

Sec. 6. And be it further enacted, That the Commissioner shall, under the direction of the President, procure in the name of the United States, by grant or purchase, such lands within the districts aforesaid as may be required for refugees and freedmen dependent upon the Government for support; and he shall provide or cause to be erected, suitable buildings for asylums and schools. But no such purchase shall be made, nor contract for the same entered into, nor other expenses incurred, until after appropriations shall have been provided by Congress for such purposes. And no payment shall be made for lands purchased under this section, except for asylums and schools, from any moneys not specifically appropriated therefor. And the Commissioner shall cause such lands from time to time to be valued, allotted, assigned and sold in manner and form provided in the 4th section of this act, at a price not less than the cost thereof to the United States.

Sec. 7. And be it further enacted, That whenever in any State or district in which the ordinary course of judicial proceedings has been interrupted by the rebellion, and wherein, in consequence of any state custom or prejudice, any of the civil rights or immunities belonging to white persons, including the right to make and enforce contracts, to sue, be parties, and give evidence, to purchase, lease, sell, hold and convey real and personal property, and to have full and equal benefit of all laws and proceedings for security of person and estate, including the constitutional right of bearing arms, are refused or denied to negroes, mulattoes, freedmen, refugees or any other persons, on account of race, color or any previous condition of slavery or involuntary servitude, or wherein they or any of them are subjected to any other or different punishment, pains, or penalties, than are prescribed for white persons committing like acts or offenses, it shall be the duty of the President of the United States, through the Commissioner, to extend military protection and jurisdiction over all cases affecting such persons so discriminated against.

Sec. 8. And be it further enacted, That any person who, under color of any State or local law, ordinance, police or other regulation or custom, shall, in any State or district, in which the ordinary course of judicial proceedings has been interrupted by the rebellion which the privilege of the writ of habeas corpus was suspended on the first day of February, 1865, subject, or cause to be subjected, any negro, mulatto, freedman, refugee or other person, on account of race or color, or any previous condition of slavery or involuntary servitude, or for any other cause, to the deprivation of any civil right secured to white persons, or to any other or different punishment than white persons are subject to for the commission of like acts or offenses, shall be deemed guilty of misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both; and it shall be the duty of the officers and agents of this Bureau to take jurisdiction of, and hear and determine all offenses committed against the provisions of this section, and also of all cases affecting negroes, mulattoes, freedmen, refugees or others who are persons discriminated against in any of the particulars mentioned in the preceding section of this act, under such rules and regulations as the President of the United States, through the War Department, shall prescribe.—The jurisdiction conferred by this and the preceding section on the officers and agents of this Bureau shall cease and determine whenever the discrimination

the use and enjoyment thereof for such term of time and at such annual rent as may be agreed on between the Commissioner and such refugees or freedmen.—The rental shall be based upon a valuation of the land, to be ascertained in such manner as the Commissioner may, under the direction of the President, by regulation prescribe. At the end of such term or sooner, if the Commissioner shall want thereof, the occupants of any parcels so assigned, their heirs and assigns, may purchase the land and receive a title thereto from the United States in fee, upon paying therefor the value of the land ascertained as aforesaid.

Sec. 5. And be it further enacted, That the occupants of land under Major General Sherman's special field order, dated at Savannah, January sixteen, eighteen hundred and sixty-five, are hereby confirmed in their possession for the period of three years from the date of said order and no person shall be disturbed in or ousted from said possession during said three years, unless a settlement shall be made with said occupant, by the former owner, satisfactory to the Commissioner of the Freedmen's Bureau: Provided, That whenever the owners of land occupied under General Sherman's field order shall make application for restoration of said lands, the Commissioner is hereby authorized, upon the agreement and with the written consent of said occupants, to procure other lands for them by rent or purchase, not exceeding forty acres for each occupant, or to set apart for them, out of the public lands assigned for that purpose in section four of this bill, forty acres each, upon the terms and conditions named in said section.

Sec. 6. And be it further enacted, That the Commissioner shall, under the direction of the President, procure in the name of the United States, by grant or purchase, such lands within the districts aforesaid as may be required for refugees and freedmen dependent upon the Government for support; and he shall provide or cause to be erected, suitable buildings for asylums and schools. But no such purchase shall be made, nor contract for the same entered into, nor other expenses incurred, until after appropriations shall have been provided by Congress for such purposes. And no payment shall be made for lands purchased under this section, except for asylums and schools, from any moneys not specifically appropriated therefor. And the Commissioner shall cause such lands from time to time to be valued, allotted, assigned and sold in manner and form provided in the 4th section of this act, at a price not less than the cost thereof to the United States.

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The Freedmen's Bureau Bill.

An Act to amend an act entitled "An Act to establish a Bureau for the relief of Freedmen and Refugees," and for other purposes.

Be it enacted, &c., That the act to establish a Bureau for the relief of Freedmen and Refugees, approved March 3, 1865, shall continue in force until otherwise provided by law, and shall extend to refugees and freedmen in all parts of the United States, and the President may divide the section of country within which the privilege of the writ of habeas corpus was suspended on the first day of February, 1865, containing such refugees and freedmen, into districts, each containing one or more States, not to exceed twelve in number, and, by and with the advice and consent of the Senate, appoint an Assistant Commissioner for each of said districts, who shall give like bonds, receive the compensation and perform the duties prescribed by the act to which this is an amendment; or said Bureau may, in the discretion of the President, be placed under a Commissioner and Assistant Commissioners, to be detailed from the army, in which event each officer so assigned to duty shall serve without increased pay or allowances.

Sec. 2. And be it further enacted, That the Commissioner, with the approval of the President, and when the same shall be necessary for the operations of the Bureau, may divide each district into a number of sub-districts, not to exceed the number of counties or parishes in such district, and shall assign to each sub-district at least one agent, either a citizen, officer of the army or enlisted man, who, if an officer, shall serve without additional compensation or allowance; and if a citizen or enlisted man, shall receive a salary of not less than five hundred dollars annually, according to the services rendered, in full compensation for such services; and such agent shall, before entering on the duties of his office, take the oath prescribed in the first section of the act to which this is an amendment. And the Commissioner may, when the same shall be necessary, assign to each Assistant Commissioner not exceeding three clerks, and to each of said agents one clerk, at an annual salary not exceeding one thousand dollars each, provided suitable clerks cannot be detailed from the army. And the President of the United States, through the War Department and the Commissioner, shall extend military jurisdiction and protection over all employees, agents, and officers of this Bureau in the exercise of the duties imposed or authorized by this act or the act to which this is additional.

Sec. 3. And be it further enacted, That the Secretary of War may direct such issues of provisions, clothing, fuel, and other supplies, including medical stores and transportation, and afford such aid, medical or otherwise, as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen, their wives and children, under such rules and regulations as he may direct: provided, That no person shall be deemed "destitute," "suffering," or "dependent upon the Government for support," within the meaning of this act, who, being able to find employment, could by proper industry and exertion avoid such destitution, suffering or dependence.

Sec. 4. And be it further enacted, That the President is hereby authorized to reserve from sale or settlement, under the homestead or pre-emption laws, and to set apart for the use of freedmen and loyal refugees, male or female, unoccupied lands in Florida, Mississippi, Alabama, Louisiana and Arkansas, not exceeding in all three millions of acres of good land; and the Commissioner, under the direction of the President, shall cause the same, from time to time, to be allotted and assigned, in parcels not exceeding forty acres each, to the loyal refugees and freedmen, who shall be protected in

the use and enjoyment thereof for such term of time and at such annual rent as may be agreed on between the Commissioner and such refugees or freedmen.—The rental shall be based upon a valuation of the land, to be ascertained in such manner as the Commissioner may, under the direction of the President, by regulation prescribe. At the end of such term or sooner, if the Commissioner shall want thereof, the occupants of any parcels so assigned, their heirs and assigns, may purchase the land and receive a title thereto from the United States in fee, upon paying therefor the value of the land ascertained as aforesaid.

Sec. 5. And be it further enacted, That the occupants of land under Major General Sherman's special field order, dated at Savannah, January sixteen, eighteen hundred and sixty-five, are hereby confirmed in their possession for the period of three years from the date of said order and no person shall be disturbed in or ousted from said possession during said three years, unless a settlement shall be made with said occupant, by the former owner, satisfactory to the Commissioner of the Freedmen's Bureau: Provided, That whenever the owners of land occupied under General Sherman's field order shall make application for restoration of said lands, the Commissioner is hereby authorized, upon the agreement and with the written consent of said occupants, to procure other lands for them by rent or purchase, not exceeding forty acres for each occupant, or to set apart for them, out of the public lands assigned for that purpose in section four of this bill, forty acres each, upon the terms and conditions named in said section.

Sec. 6. And be it further enacted, That the Commissioner shall, under the direction of the President, procure in the name of the United States, by grant or purchase, such lands within the districts aforesaid as may be required for refugees and freedmen dependent upon the Government for support; and he shall provide or cause to be erected, suitable buildings for asylums and schools. But no such purchase shall be made, nor contract for the same entered into, nor other expenses incurred, until after appropriations shall have been provided by Congress for such purposes. And no payment shall be made for lands purchased under this section, except for asylums and schools, from any moneys not specifically appropriated therefor. And the Commissioner shall cause such lands from time to time to be valued, allotted, assigned and sold in manner and form provided in the 4th section of this act, at a price not less than the cost thereof to the United States.

Sec. 7. And be it further enacted, That whenever in any State or district in which the ordinary course of judicial proceedings has been interrupted by the rebellion, and wherein, in consequence of any state custom or prejudice, any of the civil rights or immunities belonging to white persons, including the right to make and enforce contracts, to sue, be parties, and give evidence, to purchase, lease, sell, hold and convey real and personal property, and to have full and equal benefit of all laws and proceedings for security of person and estate, including the constitutional right of bearing arms, are refused or denied to negroes, mulattoes, freedmen, refugees or any other persons, on account of race, color or any previous condition of slavery or involuntary servitude, or wherein they or any of them are subjected to any other or different punishment, pains, or penalties, than are prescribed for white persons committing like acts or offenses, it shall be the duty of the President of the United States, through the Commissioner, to extend military protection and jurisdiction over all cases affecting such persons so discriminated against.

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The Freedmen's Bureau Bill.

An Act to amend an act entitled "An Act to establish a Bureau for the relief of Freedmen and Refugees," and for other purposes.

Be it enacted, &c., That the act to establish a Bureau for the relief of Freedmen and Refugees, approved March 3, 1865, shall continue in force until otherwise provided by law, and shall extend to refugees and freedmen in all parts of the United States, and the President may divide the section of country within which the privilege of the writ of habeas corpus was suspended on the first day of February, 1865, containing such refugees and freedmen, into districts, each containing one or more States, not to exceed twelve in number, and, by and with the advice and consent of the Senate, appoint an Assistant Commissioner for each of said districts, who shall give like bonds, receive the compensation and perform the duties prescribed by the act to which this is an amendment; or said Bureau may, in the discretion of the President, be placed under a Commissioner and Assistant Commissioners, to be detailed from the army, in which event each officer so assigned to duty shall serve without increased pay or allowances.

Sec. 2. And be it further enacted, That the Commissioner, with the approval of the President, and when the same shall be necessary for the operations of the Bureau, may divide each district into a number of sub-districts, not to exceed the number of counties or parishes in such district, and shall assign to each sub-district at least one agent, either a citizen, officer of the army or enlisted man, who, if an officer, shall serve without additional compensation or allowance; and if a citizen or enlisted man, shall receive a salary of not less than five hundred dollars annually, according to the services rendered, in full compensation for such services; and such agent shall, before entering on the duties of his office, take the oath prescribed in the first section of the act to which this is an amendment. And the Commissioner may, when the same shall be necessary, assign to each Assistant Commissioner not exceeding three clerks, and to each of said agents one clerk, at an annual salary not exceeding one thousand dollars each, provided suitable clerks cannot be detailed from the army. And the President of the United States, through the War Department and the Commissioner, shall extend military jurisdiction and protection over all employees, agents, and officers of this Bureau in the exercise of the duties imposed or authorized by this act or the act to which this is additional.

Sec. 3. And be it further enacted, That the Secretary of War may direct such issues of provisions, clothing, fuel, and other supplies, including medical stores and transportation, and afford such aid, medical or otherwise, as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen, their wives and children, under such rules and regulations as he may direct: provided, That no person shall be deemed "destitute," "suffering," or "dependent upon the Government for support," within the meaning of this act, who, being able to find employment, could by proper industry and exertion avoid such destitution, suffering or dependence.

Sec. 4. And be it further enacted, That the President is hereby authorized to reserve from sale or settlement, under the homestead or pre-emption laws, and to set apart for the use of freedmen and loyal refugees, male or female, unoccupied lands in Florida, Mississippi, Alabama, Louisiana and Arkansas, not exceeding in all three millions of acres of good land; and the Commissioner, under the direction of the President, shall cause the same, from time to time, to be allotted and assigned, in parcels not exceeding forty acres each, to the loyal refugees and freedmen, who shall be protected in

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